



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: )  
Inventor(s): Ned S. Rasor, et al. )  
SC/Serial No.: 09/708,186 )  
Filed: November 7, 2000 )  
Title: METHOD AND APPARATUS FOR )  
CO-APPLICATION OF GASES AND )  
DRUGS TO POTENTIATE THEIR )  
ACTION IN RELIEVING HEADACHES, )  
ANGINA AND OTHER AILMENTS )

PATENT APPLICATION  
Dawson  
Art Unit: 3761  
4-3

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Jill L. Robinson, Reg. No. 34,911  
Signature Date: March 14, 2002

(Attorney Signature)

Assistant Commissioner for Patents  
Washington, D.C.

Sir:

**Response to Office Action**

In the office action mailed January 14, 2003 the Examiner stated that all pending claims 15-17, 21-32, 34, 35 and 46-55 were subject to restriction and election requirement.

Specifically the examiner identified three species as patentably distinct:

- I -- Method of controlling the effect of a drug by infusing the eye;
- II -- Method of controlling the effect of a drug by infusing the ear; and
- III -- Method of controlling the effect of a drug by infusing the nose/mouth.

together with 8 subspecies for each of the species:

A -- use of CO<sub>2</sub>

B -- use of NO

C -- use of O<sub>2</sub>

D -- use of NO<sub>2</sub>

E -- use of He

F -- use of HCL

G -- use of HNO<sub>3</sub>

H -- use of HF

Applicants hereby elect species III and subspecies A: Oral/nasal infusion and the use of CO<sub>2</sub>.

Applicants identify the following claims as readable on the elected species and subspecies:

Claims 17, 21-25, 27, 28, 29, 30, 31, 32, 34, 35, 46-55.

Applicants further respectfully traverse the restriction and election requirement.

Respectfully submitted,

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Date: March 14, 2003

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